Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

REMARKS/ARGUMENTS

Regarding Amendments

Claims 1-44 are now pending. No claims stand allowed.

Claims 1, 6, 12, 16, 17, 21, 26, 28, 29, 33, 38, and 40 have been amended to

further particularly point out and distinctly claim subject matter regarded as the

invention. The text of claims 2-5, 7-11, 13-15, 18-20, 22-25, 27, 30-32, 34-37 and 39 is

unchanged, but their meaning is changed because they depend from amended claims.

New claims 41-44 have been added by this amendment and also particularly point

out and distinctly claim subject matter regarded as the invention.

No "new matter" has been added by the amendment.

The 35 U.S.C. §102 Rejection

Claims 1-5, 17-25 and 29-32 stand rejected under 35 U.S.C. §102(b) as being

allegedly anticipated by Hacherl (U.S. Pat. No. 6,324,571 B1), among which claims 1,

17, 21 and 29 are independent claims. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is

found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051,

1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is

contained in the claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9

USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

Claim 1 as amended defines a high reliability computer system. The claimed computer system comprises a first processing engine (PE), a first memory accessible by said first PE, containing initialization information for said first PE, a second PE, a second memory accessible by said second PE, containing initialization information for said second PE, a third memory accessible by said second PE, a fourth memory accessible by said second PE, circuitry for automatically switching control of said system from said first PE to said second PE upon detection of a failure of said first PE, and a password passer writing said enable password of said first PE to the fourth memory accessible by said second PE, as recited in claim 1.

A.   Applicants maintain that Hacherl does not teach or suggest "circuitry for automatically switching control of said system from said first PE to said second PE upon detection of a failure of said first PE."

In the Office Action, the Examiner alleges that Hacherl's system for switching exclusive authority between multiple servers in a computer network is applicable to multi-processor systems and thus Hacherl discloses the claimed invention. Specifically, the Examiner equates the "mechanism for promoting a server to become the master controller in the network" of Hacherl with the claimed "circuitry for automatically switching control." By citing col. 11 lines 40-42, the Examiner also alleges that Hacherl switches the authority when a server goes off-line or crashes.

16

Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

In Hacherl, however, although a server's going off-line might be a crash or failure, as the Examiner alleges, Hacherl does not mention any detection of such a server's going off-line or crashing. Thus, Hacherl fails to teach "detection of a failure" as recited in claim 1. Moreover, when a server goes off-line or allegedly crashes, Hacherl's mechanism requires a system administrator to then manually log on from a domain controller and issue a command to domain controller **110c** to seize the RID Master role (Hacherl, col. 11, lines 40-47). That is, when the alleged crash occurs in Hacherl, nothing happens "upon" such a crash, but manual action by a system administrator is required before alleged switching. Thus, Hacherl also fails to disclose automatically switching control "upon (detection of) a failure". Accordingly, Hacherl does not disclose "circuitry for automatically switching control of said system from said first PE to said second PE upon detection of a failure of said first PE", as recited in claim 1.

B.   Applicants further maintain that Hacherl does not disclose or teach "a password passer writing said enable password of said first PE to the fourth memory accessible by said second PE," as recited in claim 1.

In the Office Action, the Examiner equates servers in the multi-server computer system of Hacherl with the recited "first PE" and "second PE" of claim 1. Office Action, page 1. The Examiner further equates the ROM memory and the hard disk drive of a first server computer system with the claimed first and third memories accessible by the claimed first PE, and the ROM memory and hard disk drive of a second server system

17

Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

with the claimed second and fourth memories accessible by the claimed second PE.

Assuming these allegations were true, Hacherl would have to write a password of the first

server to either the ROM or hard disk drive of the second server in order to meet the

"password passer" limitation of claim 1. While the Examiner alleges that Hacherl's PDC

Advertiser corresponds to the claimed password passer (Office Action, page 3), the PDC

Advertiser neither handles an enable password of the first server nor writes a password of

one server to a memory accessible by another server for the following reasons.

In Hacherl, the PDC advertiser designates exclusive authority amongst the servers

to perform an exclusive system-wide task (Col. 9 lines 33-35 thereof). As Hacherl

describes:

> "The PDC advertiser performs tasks necessary to support servers and clients
> which are running earlier versions of "WINDOWS NT®". In prior versions of
> "WINDOWS NT®", clients always perform certain tasks at one domain
> controller, the primary domain controller (PDC). For instance, changing a
> password in earlier versions "WINDOWS NT®" involves communicating with
> the PDC. The PDC Advertiser advertises itself as the PDC in order to support
> clients running prior versions of "WINDOWS NT®". There is one PDC
> advertiser per domain in the directory."

col. 9 lines 16-32. Therefore, when a client's password is changed, the client

communicates with a specific server having the exclusive control (PDC or PDC

advertiser). The only password disclosed in Hacherl is a log-in password set by a client

(a remote computer). That is, the password of Hacherl is a remote password for a client

who wants to log into the system and not an enable password of the first server.

Furthermore, the PDC advertiser of Hacherl does not perform "writing" the

password function to any memory accessible by a second server or alleged PE, as

18

Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

claimed in claim 1. A server who has assumed the role of PDC advertiser merely

identifies itself as the PDC to clients (col. 9, lines 23-25 of Hacherl). Otherwise it is

passive. As discussed above, it is the clients in Hacherl which communicate with the

PDC advertiser regarding a change in password. The PDC advertiser does not perform

any "writing" of any password to any memory accessible by another server. Therefore

Hacherl does not teach "a password passer writing said enable password of said first PE

to the fourth memory accessible by said second PE," as recited in claim 1.

Claims 17, 21 and 29 include substantially the same distinctive features as claim

1. Accordingly, it is respectfully requested that the rejection of claims based on Hacherl

be withdrawn. In view of the foregoing, it is respectfully asserted that the claims are now

in condition for allowance.

The First 35 U.S.C. §103 Rejection

Claims 6-16, 26-28 and 33-39 stand rejected under 35 U.S.C. §103(a) as being

allegedly unpatentable over Hacherl (U.S. Pat. No. 6,324,571) in view of Kung (U.S.

Pat. No. 5,241,594) over the admitted prior art, among which claims 6, 12, 16, 26, 28, 33

and 38 are independent claims. This rejection is respectfully traversed.

According to M.P.E.P. §2143,

> To establish a *prima facie* case of obviousness, three basic criteria must be met.
> First there must be some suggestion or motivation, either in the references
> themselves or in the knowledge generally available to one of ordinary skill in the
> art, to modify the reference or to combine reference teachings. Second, there
> must be a reasonable expectation of success. Finally, the prior art reference (or
> references when combined) must teach or suggest all the claim limitations. The

Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

Furthermore, the mere fact that references <u>can</u> be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Claim 6 defines a high reliability computer system. The claimed system comprises a first PE, a first memory accessible by said first PE, containing initialization information for said first PE, a second memory accessible by said second PE, containing initialization information for said second PE, circuitry for automatically switching control of said system from said first PE to said second PE upon detection of a failure of said first PE, a password memory accessible by said first and second PEs, having a location for storing an enable password for the system, and a password keeper for maintaining said enable password in said password memory for said first and second PEs, as recited in claim 6.

As discussed above in response to the §102 rejection, Hacherl does not teach or suggest "detection of a failure". The Examiner only cites Kung for allegedly teaching a password keeper and a password server recited in claim 6 (Office Action, page 4). Kung also fails to mention or teach any detection of a failure in either processing engines or servers. Therefore, Hacherl, whether considered alone or combined with or modified by Kung, does not teach "circuitry for automatically switching control of said system from

Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

said first PE to said second PE upon detection of a failure of said first PE," as recited in

claim 6.

Claims 12, 16, 26, 28, 33 and 38 also include substantially the same distinctive

feature as claim 6. Accordingly, it is respectfully requested that the rejection of claims

based on Hacherl and Kung be withdrawn. In view of the foregoing, it is respectfully

asserted that the claims are now in condition for allowance.

The Second 35 U.S.C. §103 Rejection

Claim 40 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over

Hacherl in view of Alonso et al (6,434,700 B1). This rejection is respectfully traversed.

Claim 40 defines a program storage device readable by a machine, tangibly

embodying a program of instructions executable by the machine to perform method steps

for providing password protection for a high reliability computer system. The system

including a first PE, a first memory accessible by said first PE, said first memory

containing initialization information for said first PE, a second PE, a second memory

accessible by said second PE, said second memory containing initialization information

for said second PE, and circuitry for automatically switching control of said system from

said first PE to said second PE upon detection of a failure of said first PE, as recited in

claim 40. The claimed method comprises (a) sending an enable password for the high

reliability computer system for storage in a database of a password server coupled to the

high reliability computer system via an information bus, (b) providing an interface

Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

capable of communicating with the password server over the information bus, and (c)

obtaining the enable password from the password server through the interface in response

to a request from either one of the first and second PEs, as recited in claim 40.

As discussed above in response to the § 102 rejection, Hacherl does not teach or

suggest "detection of a failure". In the Office Action, the Examiner only cites Alonso

for allegedly teaching an AAA server to store an enable password in a database and

authenticating the users attempting to access resources on the network and recited in

claim 40 (Office Action, page 5). Similarly to Kung, Alonso does not mention detection

of a failure in either processing engines or servers. Therefore, Hacherl, whether

considered alone or combined with or modified by Alonso, does not teach "circuitry for

automatically switching control of said system from said first PE to said second PE upon

detection of a failure of said first PE" as recited in claim 40.

Accordingly, it is respectfully requested that the rejection of claim 40 based on

Hacherl and Alonso be withdrawn. In view of the foregoing, it is respectfully asserted

that the claim is now in condition for allowance.

Dependent Claims

Claims 2-5 depend from claim 1, claims 7-11 depend from claim 6, claims 13-15

depend from claim 12, claims 18-20 depend from claim 17, claims 22-25 depend from

claim 21, claim 27 depends from claim 26, claims 30-32 depend from claim 29, claims

34-37 depend from claim 33, and claim 39 depends from claim 38. The dependant

Appl. No. 09/419,350
Amdt. dated: January 5, 2004
Reply to Office Action of October 3, 2003

Docket No. CISCO-1315
(032590-000076)

claims include the limitations of the base claim. The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable at least for the same reasons.

· In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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Dated: January___5___, 2004

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Limited Recognition under 37 CFR §10.9(b)

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